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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,833	01/08/2002	Pieter Van Dine	A34154	2661
21003	7590	12/30/2003	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			COMAS, YAHVEH	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

10/040,833

Applicant(s)

VAN DINE ET AL.

Examiner

Yahveh Comas

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 8-12, filed 10/2/2003, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-2, 10-11 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by J.J. Zimsky U.S. Patent No. 2,725,012.

Zimsky discloses an electric motor comprising a stator, a rotor supported for rotation within the stator, a preformed cylindrical composite can member removably affixed to one of the stator and rotor, and at least one sealing ring for sealing the cylindrical can member to the member to which it is affixed, said composite can member is removably affixed by screws.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-5, 12-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over J.J. Zimsky U.S. Patent No. 2,725,012 in view of Junpei et al. U.S. Patent No. 3,577,024.

Zimsky disclose the claimed invention except for wherein the composite can member has a surface facing a space between the rotor and the stator in which ridges are formed to control flow of liquid through the space. However, Junpei rotor surface with ridges formed for the purpose of create components of force that act to prevent the cooling liquid from entering into the air gap between the stator and the rotor.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Zimsky's invention and provide a ridge surface between the stator and rotor since this would have been desirable to create components of force that act to prevent the cooling liquid from entering into the air gap between the stator and the rotor.

7. Claims 6-7, 9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over J.J. Zimsky U.S. Patent No. 2,725,012 in view of Smith et al. U.S. Patent No. 6,069,421.

Zimsky discloses the claimed invention except for the composite can member comprises a fiber-reinforced polymer, wherein the material used to make the inner and outer composite

Art Unit: 2834

canning layers of the rotor and stator is preferably a high strength resin containing high modulus fibers, such as fiberglass, graphite, carbon, boron, quartz or aramid fiber material.

However, Smith discloses a canned motor comprising a fiber-reinforced polymer material providing the necessary strength as well as resistance to corrosive materials while reducing the weight of the components, wherein the material used to make the inner and outer composite canning layers of the rotor and stator is preferably a high strength resin containing high modulus fibers, such as fiberglass, graphite, carbon, boron, quartz or aramid fiber material.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Zimsky's invention and provide a fiber-reinforced polymer, wherein the material used to make the inner and outer composite canning layers of the rotor and stator is preferably a high strength resin containing high modulus fibers, such as fiberglass, graphite, carbon, boron, quartz or aramid fiber material, since this would have been desirable to provide the necessary strength as well as resistance to corrosive materials while reducing the weight of the components.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over J.J. Zimsky U.S. Patent No. 2,725,012 in view of Kunz et al. U.S. Patent No. 4,655,682.

Zimsky discloses the claimed invention except the fiber-reinforced polymer composite can member be made by a technique selected from the group consisting of dry lay-up resin transfer molding, wet and pre-impregnated filament winding techniques.

However Kunz discloses the components of the inner vane support structure 60 are fabricated from composite materials having a high strength-to-weight ratio, which results in

Art Unit: 2834

significant weight savings as compared to stator assemblies, which utilize metallic materials is fabricated by the dry lay-up/resin process, common in the art (column 4 lines 36-45).

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Zimsky's invention and made the fiber-reinforced polymer composite can member by a technique selected from the group consisting of dry lay-up resin transfer molding, wet and pre-impregnated filament winding techniques since this is common in the art.

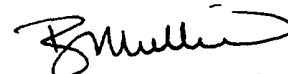
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (703) 305-3419. The examiner can normally be reached on M - F 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YC

  
BURTON S. MULLINS  
PRIMARY EXAMINER